

REMARKS

I. Status of the Application

Claims 1-112 were pending in the application prior to this submission. All of pending claims 1-112 were rejected by the Examiner in the previous Final Office Action, which was subsequently affirmed in-part by the Board of Patent Appeals and Interferences (BPAI).

Claims 1, 11-21, 32, 42-52, 63, 71-79, 88, 95-102 and 109-111 were amended herein. Claim 112 was canceled herein without prejudice or disclaimer. No new matter has been introduced with these amendments, and thus, entry and consideration are respectfully requested.

II. Response to Rejections under 35 U.S.C. §112, second paragraph

The Board of Patent Appeals and Interferences (BPAI) presents a new grounds of rejection in the decision. In particular, the BPAI asserts that “PID” and “multicast IP address” as recited in dependent claim 112 lacks antecedent basis in claim 1, and thus claim 112 is indefinite.

Applicants have canceled claim 112 herein without prejudice or disclaimer. Any limitations of claim 112 that were incorporated into the independent claims with this amendment omit the problematic terminology previously identified by the BPAI as lacking antecedent basis.

In view of the above, Applicants respectfully request that the 35 U.S.C. §112, second paragraph, rejection to claim 112 now be withdrawn.

III. Response to Rejections under 35 U.S.C. §102(a) and 35 U.S.C. §103(a)

In the decision, the Board of Patent Appeals and Interferences (BPAI) upheld the previous rejections to the pending claims in view of the cited references with the exception of claim 112, which was subsequently rejected by the board under a new grounds (under 35 U.S.C. §112, second paragraph). More specifically, “...the Examiner has not demonstrated, much less asserted, that the features recited in claim 112 are disclosed in Momirov...” (Decision, page 12).

Applicants respectfully request reconsideration of the present application in view of the claim amendments and remarks now presented herein. In particular, the subject matter of claim 112 has been incorporated into the independent claims, and claim 112 has been canceled. Applicants concur with the boards comments regarding claim 112 to the extent that they believe that the limitations of claim 112, as amended herein, are not anticipated by, or obvious in view of, the cited references. In particular, the Bigham (of record), Momirov (of record) and Chauvel (of record) references do not recite or imply performing packet evaluation or selection “without tables that link the data packet to the multicast data stream” as recited in the claims, as amended.

In view of the above, Applicants respectfully assert that at least the independent claims, as amended, are distinguishable from the previously cited references, taken alone or in combination. Any of the claims not specifically addressed above is distinguishable at least for depending from the aforementioned independent claims. Applicants therefore request that the 35 U.S.C. §102(a) and 35 U.S.C. §103(a) rejections to the pending claims now be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **504827**, Order No. 1004289-033US (4208-4028).

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **504827**, Order No. 1004289-033US (4208-4028).

Respectfully submitted,
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